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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 ROOSEVELT REED,

12 Plaintiff,

13 v.

14 ELEANOR VERNELL, XANDIS  
15 PHILLIPS, AND NANCY  
16 HENDERSON,

Defendants.

CASE NO. 14-5800 RJB-KLS

ORDER ON REPORT AND  
RECOMMENDATION

17 This matter comes before the Court on the Report and Recommendation of U.S.  
18 Magistrate Judge Karen L. Strombom. Dkt. 16. The Court has considered the pleadings filed  
19 regarding the Report and Recommendation and the remaining file.

20 In this 42 U.S.C. § 1983 case, Plaintiff asserts that Defendants' deductions from his  
21 prison postage account violated his procedural and substantive due process rights. Dkt. 4.

22 On April 6, 2015, U.S. Magistrate Judge Karen L. Strombom issued her Report and  
23 Recommendation, recommending that Defendants' Motion for Summary Judgment be granted,  
24 the case be dismissed as frivolous, and the dismissal count as a strike pursuant to 28 U.S.C. §

1 1915(g). Dkt. 16. Plaintiff's motion for an extension of time to file objections was granted.  
 2 Dkt. 20.

3 The Report and Recommendation should be adopted. Plaintiff's various pleadings  
 4 including his April 22, 2015 "Plaintiff's Opposition to Defendants' Motion for Summary  
 5 Judgment" (Dkt. 19), Objection to the Magistrates [sic] report and recommendation and request  
 6 for evidentiary hearing (Dkt. 21), and Plaintiff's reply to Defendants [sic] response to Plaintiffs  
 7 [sic] objection to magistrates report and recommendation (Dkt. 23) do not provide a basis to  
 8 reject the Report and Recommendation. They reiterate his prior arguments and urge that the  
 9 Defendants' Motion for Summary Judgment should be denied. His arguments are addressed in  
 10 the Report and Recommendation. The Report and Recommendation (Dkt. 16) should be  
 11 adopted, Plaintiff's claims dismissed, and the dismissal should count as a count as a strike  
 12 pursuant to 28 U.S.C. § 1915(g).

13 It is **ORDERED** that:

- 14 • The Report and Recommendation (Dkt. 16) **IS ADOPTED**;
- 15 • Plaintiff's claims **ARE DISMISSED**; and
- 16 • The dismissal **SHALL** count as a **STRIKE** pursuant to 28 U.S.C. § 1915(g).

17 The Clerk is directed to send uncertified copies of this Order to U.S. Magistrate Judge  
 18 Karen L. Strombom, all counsel of record and to any party appearing *pro se* at said party's last  
 19 known address.

20 Dated this 2<sup>nd</sup> day of June, 2015.

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22 ROBERT J. BRYAN  
 23 United States District Judge  
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